

SENATE No. 989

The Commonwealth of Massachusetts

PRESENTED BY:

James E. Timilty

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to prohibit certain persons from engaging in activities relating to explosive materials .

PETITION OF:

NAME:

James E. Timilty

DISTRICT/ADDRESS:

Bristol and Norfolk

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO PROHIBIT CERTAIN PERSONS FROM ENGAGING IN ACTIVITIES RELATING TO EXPLOSIVE MATERIALS .

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority
of the same, as follows:*

SECTION 1. Chapter 148 of the General laws, as appearing in the 2006 Official Edition,
is hereby amended by adding the following new section after section 12:-
Section 12A.

For the purposes of this section, the following words shall, unless the context otherwise
requires, have the following meanings:

"Conviction", a finding or verdict of guilt or a plea of guilty, whether or not final
sentence is imposed.

"Explosive material", as defined by the Board of Fire Prevention Regulations established
under section 4 of chapter twenty-two-D.

"Felony", any crime that is punishable by death or imprisonment in a state prison of the
Commonwealth or, if the crime occurred outside the commonwealth, a crime punishable by a
term of imprisonment of two and one-half years or greater.

"Violent crime", shall mean any crime punishable by imprisonment for a term exceeding
one year, or any act of juvenile delinquency involving the use or possession of a deadly weapon

15 that would be punishable by imprisonment for such term if committed by an adult, that: (i) has as
16 an element the use, attempted use or threatened use of physical force or a deadly weapon against
17 the person of another; (ii) is burglary, extortion, arson or kidnapping; (iii) involves the use of
18 explosives; or (iv) otherwise involves conduct that presents a serious risk of physical injury to
19 another.

20 The Marshal shall not issue, or if the marshal has already issued, shall revoke, any
21 license, permit or certification to any person to sell, possess, buy, use or transport any explosive
22 material in the Commonwealth, if said person:

23 (1) has provided inaccurate or false information to the marshal relative to said
24 license, permit or certificate, or

25 (2) has been convicted of a felony, or

26 (3) has a pending indictment or charge relating to a felony or a violent crime,
27 or

28 (4) has been convicted of a violent crime within 10 years of the date of
29 application, or

30 (5) is suffering from a physical or mental illness or condition that, in the
31 judgment of the Marshal, would make the use and possession of explosive materials
32 potentially hazardous to the applicant or to the public.

33 (6) is disqualified from possessing or using explosive material under federal
34 law.

35 (7) is subject to a Chapter 209A restraining order, while such order is in
36 effect.

37 The marshal may issue such license, permit or certification to an applicant who has been
38 convicted of a felony if:

39 (1) the conviction occurred more than 10 years from the date of application;
40 and

41 (2) the person has not been convicted of any felony or violent crime in any
42 state since said previous conviction; and

43 (3) the person is not otherwise disqualified from possessing or using explosive
44 material under federal law; and

45 (4) the person has exhibited conduct, which tends to indicate, in the discretion
46 of the marshal, that the issuance said license, permit or certificate would not pose a threat
47 to public safety.